



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

Under Secretary for Policy

1200 New Jersey Avenue, S.E.
Washington, DC 20590

February 15, 2008

MEMORANDUM TO: Secretarial Officers
Modal Administrators

From: Tyler D. Duval, Acting Under Secretary for Policy
x60582

D.J. Gribbin, General Counsel
x64702

Re: Departmental Guidance: Threshold of Significant Regulatory
Actions Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 ("the Act," 2 U.S.C. §1532) requires each agency to prepare a comprehensive written statement for any proposed or final rule that includes a "Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year." Among other matters, the required statement must address the costs and benefits of the rulemaking and any budgetary impacts associated with it.

The value equivalent of \$100,000,000 in CY 1995, adjusted for inflation to CY 2007 levels by the Consumer Price Index for All Urban Consumers (CPI-U) as published by the Bureau of Labor Statistics, is \$136,100,000.

DOT analysts should use this value to determine whether the statement required by the Act must be prepared. In applying this test, the costs in any year of compliance with a rule should be stated in terms of 2007 prices, using the CPI-U as necessary to adjust historic or estimated cost data to 2007 levels. That index, series CUUR0000SA0, may be retrieved at <http://www.bls.gov/data/top20.htm>.

Questions concerning this guidance should be addressed to Peter Belenky, (202) 366-5421 or peter.belenky@dot.gov in the Office of Transportation Policy.